

REMARKS

The claims have been amended as indicated above. The amendments are being made to clarify the invention. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

The undersigned appreciates the Examiner noting that an IDS has not been filed in the present application. One will be filed shortly.

The Office Action objected to the specification for various informalities. The specification has been amended in accordance with the Examiner's suggestions, with the exception of paragraph 36, which properly reads "to maintain insufflation." Reconsideration is requested.

The Office Action objected to the preliminary amendment to the specification. The amendments to the specification in this paper have corrected the mistakes from the preliminary amendment. Please note that the amendments in this paper have been made assuming the preliminary amendment was entered. Reconsideration is requested.

The Office Action object to the drawings. Figure 1 has been amended as suggested by the Examiner. Reconsideration is requested.

The Office Action objected to claims 4, 8, 10, 16, and 24 for various formalities. The claims have been amended as suggested by the Examiner. Reconsideration is requested.

The Office Action rejected claims 1, 5, 6, 7, 9, 13-15 and 21-23 under 35 U.S.C. § 103(a) as being obvious over Hart (5,385,553) in view of Chin (6,610,031) and further in view of Danks (5,364,372) and Antoon (5,628,732). Applicants traverse the rejections and request reconsideration because a *prima facie* case of obvious has not been established. The legal concept of *prima facie* obviousness is a procedural tool of examination which applies broadly to all arts. It allocates who has the burden of going forward with production of evidence in each

step of the examination process. To establish a *prima facie* case of obviousness, as specified in MPEP § 2143, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicants traverse the obviousness rejections because the cited references do not teach or suggest all the claim limitations (see MPEP § 2143.03). Numerous limitations recited in the independent claims (i.e., 1, 9 and 17) are not taught or suggested in the cited references. For instance, consider claim 1 that recites, “a plurality of axially interwoven layered elastomeric members compressed therebetween.” Also consider claim 9 that currently recites, “a plurality of axially interwoven layered elastomeric members compressed therebetween, the elastomeric members being circumferentially discontinuous.” Still further, consider claim 17 that recites, “a plurality of layered elastomeric members with circumferential gaps compressed therebetween”. The cited portions of Hart, Chin, Danks, and Antoon do not teach or suggest all the claim limitations, so a *prima facie* case of obvious has not been established and the claims should be in a condition for allowance.

Beyond the shortcoming with respect to all claim limitations being taught or suggested, a *prima facie* case of obvious has not been established because there is no suggestion or motivation to modify the combined reference teachings (see MPEP § 2143.01). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Neither Hart, Chin, Danks, and Antoon suggest or motivate the combination as currently recited in the pending claims. Without the requisite teaching, suggestion or motivation, a *prima facie* case of obvious has not been established. In addition, there is no reasonable expectation of success in any such combination (see MPEP § 2143.02), thus further establishing that a *prima facie* case of obvious has not been established.

The remaining claims should also be in a condition for allowance by depending from allowable independent claims. Applicants note, however, that the dependent claims recite further limitations that distinguish over the art of record.

The Office Action rejected claims 2-4, 8, 10-12, 16, 18-20 and 24 under 35 U.S.C. § 103(a) as being obvious over Hart, Chin, Danks, and Antoon as applied to claims 1, 9, and 17, and further in view of Honkanen (4,655,752). As discussed above, independent claims 1, 9, and 17 recite numerous limitations that are not taught or suggested in Hart, Chin, Danks, and Antoon. The cited portions of Honkanen also fails to teach or suggest those missing limitations. Since each of the claims in the present rejection are dependent on the allowable independent claims, claims 2-4, 8, 10-12, 16, 18-20 and 24 should also be in a condition for allowance.

Based on the foregoing, all of the pending claims are in a condition for allowance. Applicants traverse all rejections and request reconsideration, and Applicants request an early notice of allowability.

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Respectfully submitted,

/Victor Moreno/
Victor C. Moreno (Reg. No. 40,732)
Attorney of Record

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Tel: (513) 337-7158

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